

REMARKS

Claims 47-88 are pending. Claims 1-46 have been cancelled. New claims 47-88 have been added to claim inventions not claimed in the parent application. These claims are directed to the invention of the fifth embodiment of the invention, described at pages 40-88 in the specification. No new matter has been added.

Comments on Cited References

An IDS has been filed herewith. After careful study, it is believed that none of the references cited in the IDS disclose, teach or suggest the present inventions as claimed. None of the patent references appear to disclose, teach or suggest all of the features of the inventions claimed. The non-patent references demonstrate that the inventors had foresight and were progressive. It is believed that no comment is necessary on the patent references. However, it is believed that the following explanation of the non-patent references will assist the Examiner and show that the claimed inventions are novel and non-obvious.

It is believed that the three non-patent references show the state of the art circa 1994-1995, as represented by the software and services of America Online, Inc. (AOL). All three references are books having the same author and publisher. The reference entitled "The Official America Online for Macintosh" will be referred to herein as "AOL 2.5 Mac." The reference entitled "The Official America Online for Windows 95" will be referred to herein as "AOL 3 Windows." The reference entitled "America Online's Internet" will be referred to as "AOL 2.5 Internet." The numbers in these three names refer to the version of the AOL software and service which the references describe.¹

AOL 2.5 Mac discloses the client-server architecture of the AOL service and operation of the AOL client software and host system. AOL 2.5 Mac teaches, at page 10, that the AOL host system could cause new features to be automatically added to a user's copy of the AOL client software.

¹ Unlike the other two references, the title of AOL 2.5 Internet makes no reference to a version number. However, in several places, AOL 2.5 Internet shows a version number of the AOL client. See Figure A-1 on page 219, Figure A-3 on page 221, and Figure A-4 on page 222.

This automatic feature addition appears to have taken place as part of the connection sequence from the AOL client to the AOL host system. It is unclear how the AOL client and the AOL host system achieved this functionality. However, it is clear that the functionality was quite limited. That is, *new* features (or perhaps modules) could be downloaded to the client and used. There is no disclosure, teaching or suggestion that the AOL host system could transmit an upgraded version of the AOL client to the AOL client. Furthermore, there is no disclosure, teaching or suggestion that an upgraded AOL client could be automatically installed once downloaded.

The other two references confirm that the upgrade capability of the AOL client was quite limited. AOL 3 Windows and AOL 2.5 Internet make clear that *upgrades* of the AOL client could only be done through an entirely manual process. See AOL 2.5 Internet at 224; AOL 3 Windows at 498. That is, to get an upgrade, the user had to (a) learn that the upgrade was available, (b) request the software of the upgrade, (c) manually install the upgrade. The references show that this process was completely manual. AOL 3 Windows goes so far as to recommend that the user manually delete all older versions. This clearly showed the manual nature of upgrading the AOL software and service of that time.

Conclusion

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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